

REMARKS

Claims 1, 2, 4, and 6-16 are currently pending in the subject application and are presently under consideration. Claim 1 has been amended as shown on pp. 2-8 of the Submission. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 2, 4, and 6-16 Under 35 U.S.C. §103(a)

Claims 1, 2, 4, and 6-16 stand rejected under 35 U.S.C. 103(a) for being unpatentable over Bergman *et al.* (U.S. 6,564,263) in view of Byrne *et al.* (U.S. 5,990,883). Withdrawal of this rejection is requested for at least the following reasons. The cited references, either alone or in combination, fail to teach or suggest all limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. See MPEP §706.02(j). The **teaching or suggestion to make the claimed combination** and the reasonable expectation of success **must be found in the prior art and not based on the Applicant's disclosure**. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention relates to systems and methods for rich file management in connection with storing and managing data to facilitate effective querying across disparate information. In particular, independent claim 1 recites a platform that manages disparate files, comprising a management component and a multimedia file system, wherein the management component manages the disparate files as one entity of data within the multimedia file system, the management component links disparate files *via*

establishing relationships between the disparate files and one or more contact items and associating roles within relationships between the disparate files and the one or more contact items, *the one or more contact items include at least one of: a phone number, a mailing address and a link to emails.* Bergman *et al.* and Byrne *et al.* do not teach or suggest such aspects.

Rather, Bergman *et al.* relates to a framework for describing multimedia content and a system in which a plurality of multimedia storage devices employing the content description methods can interoperate. (See Abstract). Multimedia objects are described through an InfoPyramid model to capture the multiple modality and multiple fidelity nature of the object. (See col. 3, ll. 40-43). Nodes of an InfoPyramid object correspond to a specific modality and fidelity of the multimedia object. Interconnections between the nodes indicate transformations that may be performed on the object to render the object suitable for a plurality of devices. (See col. 7, line 65 – col. 8, line 4 and col. 10, ll. 10-15). Bergman *et al.* provides linkages between different modalities and fidelities of a particular media file context (See col. 14, ll. 19-28), but is silent regarding links between disparate files *via establishing relationships between files and contact items* including information related to a phone number, a mailing address and a link to emails as recited in independent claim 1.

Moreover, while Bergman *et al.* discloses that InfoPyramid objects may have associated metadata (See col. 8, ll. 55-60), this metadata provides annotations to describe the objects. Bergman *et al.* nowhere discloses or suggests utilizing this metadata as a basis for establishing relationships among different objects and associating roles within relationships. Further still, in the Advisory Action dated March 12, 2007, the Examiner contends that Bergman *et al.* teaches establishing relationships with contact items. In particular, the Examiner cites an exemplary application of Bergman *et al.*, wherein term extraction on a web address and related web page populates the metadata annotations. (See col. 20, line 57 – col. 21, line 12). Applicants' representative respectfully disagrees. For example, in the claimed subject matter, disparate music audio files may have author relationships established with a plurality of contact items. Roles can be associated to distinguish between different authors within the author relationships. For example, a composer and a performer can be considered authors of a music audio file and, further,

can be distinguished by the associated roles. (See pg. 12, ll. 1-12). In Bergman *et al.*, term extraction on the web address generates descriptive metadata and does not establish relationships between disparate files and associate roles within the relationships. For example, the term extraction does not establish a relationship with a phone number, a mailing address, or email messages as recited by independent claim 1. Further, Bergman *et al.* is silent regarding associating roles within the relationship. Therefore, Bergman *et al.* fails to teach or suggest every limitation of the subject claims.

Byrne *et al.* does not make up for the aforementioned deficiencies of Bergman *et al.* Rather, Byrne *et al.* relates to a system and method for selecting content from a plurality of different physical sources and from a variety of content sources (e.g. terrestrially broadcast signals and cable television signals) available from the physical sources. (See Abstract). Byrne *et al.* provides steps for gathering programming data for a plurality of different program environments and integrating this data to be presented to the user in an electronic program guide. Thus, Byrne *et al.* discloses a system in which a user may efficiently tune to selected programming from different physical sources and nowhere discloses forming relationships with contact items that include information related to a phone number, a mailing address and a link to emails as recited by the claimed invention. Therefore, Byrne *et al.* fails to cure the deficiencies of Bergman *et al.*

In view of at least the foregoing, it is readily apparent that Bergman *et al.* and Byrne *et al.*, either alone or in combination, fail to disclose, teach or suggest each and every limitation recited in the subject claims. Therefore, the cited references do not make obvious applicants' claimed invention and this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP534US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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